

Checklist of §4320 Spousal Support Factors

You must consider all the following circumstances when ordering spousal support:

- ☐ The extent to which each party's earning capacity is sufficient to maintain the standard of living established during the marriage, taking into account [FC §4320(a)(1), (2)]:
 - ☐ The marketable skills of the supported party;
 - ☐ The job market for those skills;
 - ☐ The time and expenses required for the supported party to acquire the appropriate education or training to develop those skills;
 - ☐ The possible need for retraining or education to acquire other, more marketable skills or employment; and
 - ☐ The extent to which the supported party's present or future earning capacity is impaired by periods of unemployment that were incurred during the marriage to permit the supported party to devote time to the family.
- ☐ The extent to which the supported spouse contributed to the attainment of an education, training, a career position, or a license by the supporting spouse. [FC §4320(b).]
- ☐ The supporting spouse's ability to pay, taking into account his or her earning capacity, earned and unearned income, assets, and standard of living. [FC §4320(c).]
- ☐ The needs of each party based on the standard of living established during the marriage. [FC §4320(d).]
- ☐ The obligations and assets of each party, including separate property. [FC §4320(e).]
- ☐ The duration of the marriage. [FC §4320(f).]
- ☐ The supported spouse's ability to be employed without interfering with the interests of any dependent children who are in his or her custody. [FC §4320(g).]
- ☐ The parties' age and health. [FC §4320(h).]
- ☐ Documented evidence of any domestic violence, including consideration of emotional distress from domestic violence perpetrated against the supported party by the supporting party, and consideration of any history of violence by the supported party against the supporting party. [FC §4320(i).]
- ☐ The immediate and specific tax consequences to each party. [FC §4320(j).]
- ☐ The balance of the hardships to each party. [FC §4320(k).]
- ☐ The goal that the supported spouse shall be self-supporting within a reasonable period of time. Except in the case of a marriage of "long duration," a reasonable period of time is generally one-half the length of the marriage. It is within your discretion, however, to order support for a period greater or lesser than half the marriage. [FC §4320(l).]
- ☐ The criminal conviction of an abusive spouse and the reduction or elimination of any award to an abusive spouse under FC §4324.5 or FC §4325. [FC §4320(m).]
- ☐ Any other factors that you determine are just and equitable. [FC §4320(n).]